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Committee on the Elimination of Racial Discrimination
Ninety-fifth session

Summary record of the 2631st meeting
Held at the Palais Wilson, Geneva, on Thursday, 3 May 2018, at 10 a.m.

Chair: Mr. Murillo Martínez (Vice-Chair)
later: Mr. Amir

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In the absence of Mr. Amir (Chair), Mr. Murillo Martínez (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twenty-second to twenty-third periodic reports of Sweden (*continued*) (CERD/C/SWE/22-23; CERD/C/SWE/Q/22-23)

1. *At the invitation of the Chair, the delegation of Sweden took places at the Committee table.*

2. **Mr. Olsson Fridh** (Sweden), replying to questions raised at the previous meeting, said that, in 2016, the Government had presented a proposal to parliament on the establishment of a specialized human rights institution as an agency under parliament, independent of the Government. Following a one-year inquiry, it had been decided not to establish the institution as an agency under parliament. The Government had ordered another inquiry to make proposals on the institution's duties and location and how it could be designed to comply with the Paris Principles. A final proposal was to be submitted to the Government on 31 July 2018, and it was hoped that the institution could be put in place shortly thereafter, as a broad majority of members of parliament supported the project.

3. It was true that racist movements in Sweden, particularly online, were more visible than in the past and that they seemed to be able to recruit members more easily, which was, of course, deeply worrying for the Government and the vast majority of the population. On 1 May 2018, a neo-Nazi organization, the Nordic Resistance Movement, had marched in the streets of the city of Ludvika. Two government ministers had travelled to Ludvika to meet with the individuals and organizations resisting such movements. Two ministers had also invited representatives of the opposition parties to a round table to discuss what could be done to address the worrying trend. The issue was at the top of the Government's agenda and was discussed almost daily.

4. **Ms. Gustafsson** (Sweden), responding to a question on the prohibition of organizations that promoted and incited racial hatred, said that the Government maintained its position that its legislation did meet the requirements of article 4 (b) of the Convention, as described in the periodic report currently under consideration. Swedish criminal law prohibited all forms of racist expression; Sweden had criminalized not only racist speech in public but also racist statements made within an organization. Accordingly, racist groups simply could not operate unless their members were willing to commit a crime. The law was designed to force racist organizations into passivity by making it impossible for them to function. There were strong arguments against prohibiting racist organizations; the Government feared that such a prohibition would be ineffective or even counterproductive. It would, for instance, be very easy for an organization that had been banned to re-establish itself under a different name. Worse still, a prohibition might drive organizations underground, making it more difficult to monitor and control their activities. Under the Constitution, everyone had freedom of assembly and freedom to demonstrate, and only in exceptional circumstances could the Swedish Police Authority deny permission for a general gathering. The Police Authority had an obligation to ensure that all persons involved in a demonstration, including those who expressed extreme and offensive opinions, were able to exercise their constitutional freedom to demonstrate. However, it also had a duty to deal with individuals who were guilty of crimes, such as agitating against a national or ethnic group by making racist statements or carrying Nazi symbols.

5. **Mr. Sverdén** (Sweden) said that the Swedish police had developed special tactics for policing major crowds and demonstrations with a view to preventing and reducing the risk of confrontation between demonstrators and the police. When disturbances arose or crimes were committed, the police intervened only against offenders, not the crowd as a whole. The police tried to avoid using shields and never used water cannons or rubber bullets. Dialogue was considered the most effective way to manage a crowd. The Government had mandated the police and security services to strengthen efforts to prevent, obstruct and deal with politically motivated crimes, in particular ahead of the elections later that year.

6. **Mr. Zanzi** (Sweden) said that the implementation of the National Plan against Racism, Similar Forms of Hostility and Hate Crime had yielded positive results, including more systematic coordination and exchange of experience among various authorities. Efforts under the plan had contributed to increased knowledge of contemporary and historical forms of racism in Sweden, which was important in understanding structural racism. The Government had increased appropriations for work to combat racism and similar forms of hostility and extremism. The Living History Forum had been mandated to coordinate and monitor work under the National Plan. The Forum worked with two reference groups made up of more than 25 civil society organizations working to combat racism and other forms of discrimination, such as homophobia. The Forum was developing a system to follow up implementation of the National Plan, including surveys of action taken by the relevant authorities and a mapping exercise to identify investigations of racist acts. Those activities had yielded important information for policymaking and for setting targets for government initiatives aimed at combating racism. The Forum had undertaken a range of successful training activities using updated content among different occupational groups, including officers in four of the seven police regions. Evaluations had shown that participants had gained new knowledge and insights as a result of the training, but that there was a need for further knowledge. It had also launched an initiative called "Talk about Racism", one component of which was a digital knowledge bank designed to inspire discussion in schools and workplaces as well as among authorities and other actors in society.

7. **Mr. Stenberg** (Sweden) said that the Living History Forum worked in cooperation with the National Agency for Education to conduct regional conferences and training for school staff, which were generally well attended, and to develop support materials. However, there was clearly a need for further efforts in educational settings. The Forum had also made available on its website a large compilation of materials, including information on research, regulations and working methods relevant to schools' work to combat xenophobia and similar forms of intolerance. Based on the Forum's download statistics, it was clear that such material was very popular among school staff. Topics such as European dominance, imperialism, colonialism, nationalism, genocide and slavery were covered under the civics and history curriculum for students in grades 7 to 9. Students were also taught extensively about human rights, including children's rights; about the forms of discrimination prohibited in Swedish legislation; and about human rights violations around the world. Sweden performed well in relevant international comparative studies, such as the International Civic and Citizenship Education Study, in which it ranked among the top four nations.

8. **Mr. Dunås** (Sweden) said that the No Hate Speech Movement campaign was a long-term educational measure intended to increase knowledge about different aspects of online expressions of racism among young people. It might take several years before the impact of the campaign was felt. Moreover, any positive results might be attributable to a combination of factors and not solely to the campaign. It was important to remember that online education measures were not a quick fix for the complex problem of racism, which was linked to a number of social and economic factors. Recent evaluations of the campaign showed that the reception, demand and coverage of the material had so far not been as great as might have been expected and that much remained to be done.

9. **Mr. Olsson Fridh** (Sweden) said that combating hate crimes was a top priority for the Government. It was very clear in Swedish law that ethnicity did not constitute grounds for the State to register or take any other law enforcement measures against an individual. Racial profiling was completely unacceptable and any accusations of such behaviour were taken very seriously by both the Police Authority and the Government. The Police Authority was to report that year to the Government on the measures it had taken to combat hate crimes. It would also analyse the impact of those measures and outline its plan for future work. The Government had provided the Authority with a funding increase of 2 billion Swedish kronor to carry out that work in 2018 and planned to increase the number of police employees by 10,000 by 2024.

10. **Ms. Djärv** (Sweden) said that, in 2014, the Police Authority, the Prosecution Service and the National Council for Crime Prevention had agreed on a basic operational

definition of the term "hate crime", which read: "Hate crime consists of the crime of agitation against a population group, the crime of unlawful discrimination and all other crimes where one motive has been to aggrieve a person, population group or another such group of people because of race, colour, national or ethnic origin, creed, sexual orientation or another similar circumstance." However, further guidelines had been needed to ensure the consistent practical application of the concept of hate crime across all agencies. In 2015, the police had rolled out extensive national hate crime training, made available information on hate crime on the intranet and organized conferences. In 2016, the Prosecution Service had produced a comprehensive document with information and guidelines on hate crime and had organized workshops for prosecutors.

11. The Police Authority, the Prosecution Service and the National Council for Crime Prevention had different roles and duties when it came to hate crime. The role of the police and prosecutors was to investigate and prosecute crime whereas that of the National Council for Crime Prevention was more academic in nature; it produced statistics and research and monitored hate crimes and phenomena that were closely linked to such crimes.

12. **Mr. Sverdén** (Sweden) said that students at the police academy, prosecutors and judges received mandatory initial and further training on hate crime. There was an interactive training programme for all police personnel responsible for writing police reports and investigating or in any other way dealing with hate crime. The Police Authority had developed an in-depth education programme on hate crime in cooperation with the University of Uppsala. The Government monitored developments in that area closely. According to the police, it was still too early to comment on the impact of the measures taken, but it was expected that they would translate into an increased ability to identify and investigate hate crimes. Hate crime units had been established in the three metropolitan police regions and they also supported the other four regions. Additional special funding would be allocated to strengthen work in that area and for confidence-building action for groups that were particularly vulnerable to hate crimes. In 2015, the police had established a cybercrime centre to strengthen capacity to investigate all forms of cybercrime, including hate speech, cyberbullying and defamation, and regional cybercrime centres were also under construction. The Prosecution Service had prioritized hate crimes, and its guidelines emphasized the importance of drawing attention to any potential hate motive and citing it as an aggravating circumstance in cases brought before the court.

13. **Ms. Djärv** (Sweden), responding to a question about an apparent increase in the number of hate crimes, said that there had been no change in the manner in which hate crimes were recorded since 2013. According to the Swedish Crime Survey, the victimization rate had remained relatively stable. The slight increase recorded between 2013 and 2014 might be attributable to the somewhat harsh discussions that had occurred in the context of the elections held at the local, national and European Union levels in 2014. The increase recorded between 2014 and 2015 was largely due to a rise in vandalism and graffiti, mainly targeting refugees. The number of police reports of such offences had declined between 2015 and 2016. The National Council for Crime Prevention was conducting a study of police reports on possible hate crimes in 2014 and 2016 in order to analyse the impact of the action taken in 2015. The existence of a hate crime reporting gap had been confirmed by the annual Swedish Crime Survey, but the size of the gap was difficult to gauge, as the overall number of reported cases was quite small.

14. With regard to statistics on criminal damage and graffiti, the term "criminal damage" referred to acts of vandalism that were closely linked to graffiti, such as scratching racist slurs into cars. Placing racist stickers in the subway was also treated as vandalism in some cases. As to statistics on convictions for hate crime reported to the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the National Council for Crime Prevention was currently unable to track hate crimes beyond the prosecution stage, but a project for the electronic exchange of data, including on court judgments, was being developed among judicial agencies and should be fully implemented by 2022.

15. As to intersectional statistics, the School Survey on Crime was the only crime victimization survey that investigated multiple motives. The National Council for Crime Prevention was currently undertaking a study of the Swedish Crime Survey records with a

view to determining whether conclusions on multiple motives could be drawn from those records. It also intended to use police reports of possible hate crimes for that purpose. The gender dimension was captured in victimization surveys, but the data in police reports had been deemed to be insufficiently reliable for the compilation of gender-related statistics. However, an equality development project to be launched in late 2018 would seek to include gender as a variable in the statistics.

16. The National Coordinator to safeguard democracy against violent extremism had produced a final report, and a national centre to counter violent extremism had been set up to produce research and knowledge to assist professionals working to combat such extremism. The centre had commenced its operations about one month earlier. It was currently surveying relevant action in the different municipalities. A support hotline for professionals had also been launched on 3 April 2018.

17. **Ms. Gustafsson** (Sweden) said that Sweden complied with European Union rules governing the liability of legal persons for hate speech. Fines could be imposed on corporations for failing to take reasonable action to prevent crime in the exercise of their business activities.

18. **Mr. Blomkvist** (Sweden), answering questions relating to allegations of racial profiling by the Swedish police, said that Swedish law prohibited legal action against a person based on ethnicity. Many authorities were tasked with monitoring compliance with that principle, and complaints could be filed with the Parliamentary Ombudsman, who had the authority to investigate and bring criminal charges. The police also carried out self-monitoring procedures to prevent illegal discrimination, and the Police Authority had established an additional supervisory function that complemented the internal audit. Professional ethics and human rights education formed an integral part of the police training programme. High priority was accorded to raising awareness of international treaties such as the European Convention on Human Rights, and issues such as ethnic profiling, institutional racism, "petit apartheid", and over-policing and the use of force were highlighted. Special training courses addressing elements of ethnic discrimination and profiling were organized for border officers and for investigators in the area of internal immigration control.

19. The Police Authority attached great importance to equality and diversity in the police force. It was taking steps to increase the number of officers with a foreign background in order to build confidence in the work of the police. Great emphasis was also placed on gender equality. An equal treatment plan for the period 2017 to 2021 focused on strategic areas such as recruitment, gender equality, ethnic and cultural diversity, and sexual orientation.

20. **Ms. Gustafsson** (Sweden), referring to the bombings in Gothenburg mentioned by Mr. Kut in the previous meeting, said that it was unclear how the legislation on terrorist offences could be applied to attacks against people seeking asylum. The Government had launched an inquiry into the terminology used in the legislation. One question was whether the term "population group" was appropriate or perhaps too narrow.

21. **Mr. Dunås** (Sweden), referring to media coverage of acts of violence and terrorism, said that the Constitution prohibited the State from interfering with editorial decisions. However, the public and private media complied with a self-regulatory code of ethics, which required them to refrain from emphasizing ethnic origin, nationality, religious beliefs and other characteristics if they were not deemed to be important in a particular context. Media outlets interpreted and applied the code on a case-by-case basis and sometimes reached different conclusions regarding what to report. The Press Ombudsman and the Press Council were independent self-disciplinary bodies that handled complaints of unfair treatment by the media from individuals and corporate bodies. There was also an ongoing debate in the media themselves about the portrayal of ethnic groups.

22. **Mr. Olsson Fridh** (Sweden) said that the fight against discrimination was a key objective of the Government, which had already bolstered the provisions of the Discrimination Act and planned to introduce additional amendments to that effect in the near future. The Government had increased annual budgetary allocations to the Equality Ombudsman to more than 20 million kroner and allocations to local anti-discrimination

offices to 17 million kroner. While the Government took a restrictive view regarding the collection of statistics on ethnicity, it recognized the need to identify vulnerable persons and groups with a view to shaping and implementing policies to address their needs.

23. **Mr. Hellström** (Sweden) said that the Discrimination Act provided protection against discrimination on the basis of ethnicity, sex, sexual orientation, religion or other beliefs, disability, and transgender identity or expression. It prohibited discrimination in virtually all areas, including employment, education, and access to goods, services and housing. It was applicable, in general, to both public and private entities, but not to public agencies when they were exercising their authority. However, recourse could be had to judicial review procedures, or complaints could be filed with the Parliamentary Ombudsman.

24. The term "race" had been included as part of the previous definition of ethnicity in the legislation. It had been omitted in the amended version, since the Swedish legislators considered that all people belonged to one and the same race: the human race. The definition currently included the words "colour and other similar circumstances" and there was no indication in the jurisprudence that the omission of the term "race" had weakened protection against discrimination.

25. The amendment to the Act concerning "active measures" adopted on 1 January 2017 meant that employers were legally bound to adopt measures to prevent discrimination or harassment on all the grounds defined in the Act. The Equality Ombudsman monitored compliance with the new provisions. Positive action in relation to ethnicity was not generally allowed under Swedish law or European Union law. The Supreme Court had ruled in a positive action case in December 2006 concerning quotas for admittance to the Law Faculty of Uppsala University that positive action in the legal sense was unacceptable, but that the provisions for active measures in the Discrimination Act fell within the scope of positive action in a more general sense. There was leeway in some circumstances to use mechanisms similar to positive measures or action in the event that all other qualifications were equal, for instance in recruitment procedures.

26. Sweden maintained a restrictive approach to the collection of data based solely on ethnicity. Nonetheless, a wealth of relevant information existed and the Government relied on diverse qualitative materials and reports to make adjustments to its policies. For instance, it continuously reviewed the long-term strategy for Roma inclusion. The Equality Ombudsman had compiled quantitative and qualitative information on how Afrophobia affected access to equal rights and opportunities for Afro-Swedes. The Government had conducted an investigation into the situation of national minorities, which had shown a need for measures to improve qualitative data, but no recommendations had been put forward as to how to address that need. Another source of information was the second European Union Minorities and Discrimination Survey. The statistics were of great use in the context of government efforts to protect the fundamental rights of people from an immigrant or ethnic minority background.

27. The Equality Ombudsman monitored compliance with the Discrimination Act and was tasked with combating discrimination and promoting equal rights and opportunities for all. Since the establishment of the office on 1 January 2009, its annual budgetary allocation had increased from about 93 million kroner to about 123 million kroner. Some 100 employees dealt with about 500 complaints each year.

28. **Ms. Holmgren** (Sweden) said that employment rates for persons born abroad were significantly lower than for those born in Sweden. However, there was a positive trend under a programme for newly arrived immigrants. In 2017, for instance, 28 per cent of such immigrants had found employment within three months, compared with 20 per cent in 2013. The Government had introduced measures to facilitate access to employment for asylum seekers, such as language training and evaluation of their vocational and educational background. In 2015 it had introduced a fast-track procedure for the employment of newly arrived immigrants with specific professional skills. As immigrant women were less likely than men to benefit from the immigrant introduction programme, the Government had mandated the Public Employment Service to promote gender equality and combat gender divisions in the labour market. Support for introduction courses, child care and employment

of asylum seekers and immigrants was also provided to municipalities and civil society organizations.

29. Newly arrived immigrants were seriously affected by the housing shortage, especially in urban areas. The Reception for Settlement Act, promulgated in March 2016, required municipalities to increase the capacity of the reception system for immigrants who were granted asylum. Immigrant settlement in the municipalities took into account local labour market conditions, population size and the existing number of immigrants, unaccompanied minors and asylum seekers.

30. **Ms. Carlsson** (Sweden) said that Swedish legislation had been amended in 2013 to provide adult residents who lacked residence permits the same right to subsidized health care as adult asylum seekers. Free health care was provided to children up to the age of 18 regardless of whether they had permits. Care was also provided free of charge under the Swedish Communicable Diseases Act. A total of 40 million kroner had been allocated each year for psychiatric trauma care for irregular migrants and asylum seekers and 50 million kroner had been allocated for mental health care for juvenile asylum seekers and those who had recently received residence permits. The National Board of Health and Welfare had been tasked with establishing a national knowledge centre on unaccompanied minors and young adults with the aim of strengthening the capacity of social and health-care services to assist those groups.

31. A 10-year national strategy to prevent and combat violence by men against women had entered into force on 1 January 2017. It aimed to improve the detection of violence and to provide stronger protection and support for victims. The recently established Gender Equality Agency would eventually be assigned responsibility for implementing the strategy.

32. **Mr. Hellström** (Sweden) said that vigorous action was required to address insecurity and risks in vulnerable areas, for instance through continuous investment in welfare and forceful long-term action to prevent and combat crime. The Police Authority was increasing the police presence in such areas and promoting cooperation with other relevant authorities, municipalities and civil society. The Government's long-term programme to reduce segregation, which involved all ministries and many administrative authorities, had been introduced in 2016. The Delegation against Segregation, established on 1 January 2018, would focus on socioeconomic determinants of segregation, such as education level, income and occupation. The Government had allocated approximately 550 million kroner to local authorities for that purpose in 2018. The allocation would be increased to 1.6 billion kroner in 2019 and to more than 2 billion in 2020 and subsequent years. The Government would shortly adopt a new anti-segregation strategy focusing on education, housing, the justice system, employment and democracy in civil society.

33. **Mr. Olsson Fridh** (Sweden) said that the Government recognized the need to strengthen opportunities for Sami communities to preserve and develop their culture and had adopted a more ambitious policy for that purpose. The Government had pledged that it would work towards ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169); ultimately, however, ratification was a matter for parliament. The Government was already working in the spirit of the Convention, for example in finalizing its proposal for a consultation procedure and in its work on the Nordic Sami Convention and its efforts to strengthen the decision-making powers and resources of the Sami Parliament.

34. **Mr. Öhman** (Sweden) said that his Government considered free, prior and informed consent to be an important principle that could enhance democratic processes and the enjoyment of rights, but it did not confer a right to veto. That view was shared by other countries and by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Sweden had a long tradition of consultations, which were a fundamental feature of its democracy. Under the Reindeer Husbandry Act, the Minerals Act and other laws, Sami villages must be asked for their opinion before decisions affecting them were taken.

35. In industrial projects, a dialogue between the project operator and those affected by the use of the land was essential. Mining operations were regulated by the Minerals Act and the Environmental Code and were subject to a three-step application process whereby

operators had to obtain an exploration permit, an exploitation concession and an environmental permit. Sami villages, the Sami Parliament and other stakeholders were asked for their opinions during that process, and villages had the right to appeal against the award of permits. Operators were obliged to describe the impact of the project on reindeer-herding rights, landowners' rights and the public interest. Sami who were not reindeer-herders also had special rights and were consulted, and the Sami Parliament represented their interests. All stakeholders were invited to participate in consultations on the environmental impact assessment, which was a prerequisite for the granting of an environmental permit. Under the Environmental Code, conflicts between activities that were considered national interests, such as mining and reindeer husbandry, would be settled by deciding which activity would best promote the long-term use of land, water and the physical environment.

36. With regard to the Rönnbäcken case, which concerned a conflict over a proposal to open a nickel mine, he noted that members of the Vapsten Sami village had submitted a communication to the Committee on the matter. The Government welcomed the Committee's scrutiny and had provided it with a statement that fully described the process of awarding mining permits. No mining activities were currently being carried out, nor would any mine be allowed to open before a full environmental impact assessment had been conducted and all potentially affected populations had been consulted.

37. **Mr. Ternbo** (Sweden) said that, since 2011, Sami people had been protected under the Instrument of Government, which was one of the four fundamental laws that made up the Constitution. The draft Nordic Sami Convention, currently under review by the Sami Parliament, incorporated elements of free, prior and informed consent, notably the provision that the State must consult with the Sami Parliament when enacting laws and taking decisions that might be of significance for the Sami people. The Government had commissioned an analysis of the legal issues that might arise from the introduction of a mandatory consultation procedure and, based on that analysis, was drafting a proposal for a more comprehensive consultation procedure that would strengthen the ability of the Sami to influence and participate in decision-making. The Government had also increased the budget of the Sami Parliament with a view to promoting Sami self-determination and culture and providing the Sami with the opportunity to play a more active role in future policymaking.

38. Negotiations on the Nordic Sami Convention had commenced in 2011. Representatives of each country's Sami parliament had taken part on an equal footing and in January 2017 had initialled an agreed text, which had been submitted to the respective parliaments for consideration. Some criticisms had emerged regarding the provisions on self-determination and on consultations and regarding the chapter on land and water rights. However, the chapter in question contained valuable elements such as the provision that the Sami as an indigenous people should not as a result of natural resource exploitation be denied, the right to preserve their culture, languages and way of life. He did not believe that the draft Convention contained any provision that might jeopardize or interfere with the agreement between the Russian Federation and Finland on the cross-border activities of the Sami. Sweden would welcome the accession of the Russian Federation to the convention in the future.

39. Regarding the question raised in the previous meeting on Sami customary law, the draft Nordic Sami Convention stipulated that States should show due respect for Sami conceptions of law, legal traditions and customs and, when drafting legislation, should determine whether any special protections for Sami customs needed to be included. Some customary laws were applicable in the judicial system, for example in relation to reindeer-herding.

40. **Ms. Löb** (Sweden), responding to questions on Sami land rights, said that the Sami had been exposed to structural racism and discrimination throughout their history, the consequences of which continued to be felt to the present day. Under the Reindeer Husbandry Act, the right to use land and water for the support of individuals and their reindeer was afforded to persons of Sami ancestry and included hunting and fishing privileges and the possibility of erecting any buildings needed for reindeer husbandry. Rights were exercised through membership of a Sami village; however, there was some

disagreement among the Sami as to how the membership of villages should be regulated. Any changes in that regard would be subject to the outcome of consultations with the Sami people.

41. Sami who were not members of villages could apply to the relevant county administrative board for building permits, but such applications would be granted only if the erection of buildings would not interfere with reindeer husbandry. In keeping with the rules that applied to all Swedish citizens, buildings erected on State land without the necessary permissions were considered illegal and could be removed or demolished by the authorities. Existing Sami buildings and sacred sites were protected by law, but new buildings were not. Reindeer grazing land, which accounted for one third of the total area of Sweden, was also protected by law.

42. The Government recognized that reindeer-herding was a significant part of Sami culture and had taken measures to offset the damages caused to reindeer herds by large predators. Under the predator policy adopted in 2013, the level of tolerance for harm to reindeer caused by predators must not exceed 10 per cent of the number of reindeer owned by Sami herders. A new management system had been launched in which county administrative boards, the Sami Parliament and the Sami villages cooperated to improve the coexistence of reindeer herds and large predators. The policy provided for financial compensation for the loss of reindeer. On a number of occasions Sami villages had been compensated for "mass attacks", in which several reindeer had been killed within a certain area and period of time. In 2017 a total of 50 million kroner had been paid out for such attacks.

43. *Mr. Amir took the Chair.*

44. **Mr. Zanzi** (Sweden) said that the Equality Ombudsman had worked with the Institute for Futures Studies to raise awareness of Afrophobia and had carried out a pilot project in consultation with Afro-Swedish organizations to assess how discrimination affected access to equal rights and opportunities. The Government had held discussions on Afrophobia with civil society representatives in order to gather more information and to improve communication. The Minister for Culture and Democracy had participated in conferences to mark the national memorial day in remembrance of the participation of Sweden in the transatlantic slave trade, and the Living History Forum was conducting a major education initiative on different forms of racism and had produced educational materials on Afrophobia and the participation of Sweden in slavery.

45. The Strategy for Roma Inclusion 2012–2032 was being implemented by several national agencies in partnership with municipalities, which had developed structures to underpin long-term work on Roma inclusion, including forums for dialogue with Roma representatives. The National Board of Housing, Building and Planning had implemented a successful initiative to combat discrimination against Roma in the housing market. For two years, the Commission against Antiziganism had worked to highlight and address prejudice and discrimination against Roma in the community, including by publishing educational materials for schools about the abuses and violations that Roma had suffered during the twentieth century. The materials had been distributed to all pupils in grades 7 to 9. In 2017, 3,300 copies of the textbook and 800 copies of the teacher guide had been distributed to schools all over Sweden. In its 2016 report, the Commission had proposed the establishment of a national centre for Roma issues; that proposal was currently being processed by government offices. The Government had taken very seriously the revelation in 2013 that the Skåne regional police had compiled a database containing names of around 4,700 members of the Roma community. Investigations had been carried out and human rights organizations and other plaintiffs had brought legal action. Stockholm District Court had ruled in their favour, finding that the database constituted an act of ethnic profiling and awarding damages. That ruling had been upheld on appeal and the Office of the Chancellor of Justice had subsequently decided that all individuals listed in the database were entitled to compensation in the amount of 35,000 kroner each.

46. **Mr. Blomkvist** (Sweden) said that, following the discovery of the so-called Roma register, the Government had tasked the Swedish Police Authority with ensuring that all handling of personal data complied with the law. Consequently, the police had put in place

a new structure and developed guidelines for the management of personal data and had implemented training on data handling.

47. **Mr. Kut** (Country Rapporteur) said that he would appreciate more information on anti-Black and anti-Muslim racism in Sweden. It would be interesting, for example, to hear the delegation's reactions to reports that insurance companies were unwilling to insure mosques because those buildings had been subject to violent attacks. With regard to the Sami population, he noted that there was a discrepancy between the Government's account of how it was implementing the predator policy and reports from civil society. He wondered whether the Government considered that signing the Nordic Sami Convention would fully resolve the issue of free, prior and informed consent.

48. **Ms. Shepherd** said that she would like additional information on the history curriculum. In particular, she wished to know which school grades would receive instruction in history and whether students at all levels were taught about the State party's history as a colonial power. She would also be interested to know whether public education was provided on issues such as the relationship between structural discrimination and anti-Black racism, Afrophobia, xenophobia and other forms of intolerance. It was necessary to address embedded structural discrimination and hierarchical ideologies in order to combat racial discrimination effectively. Focusing solely on Afrophobia did not address the structural issues. The Government's assertion that all people belonged to the same race — the human race — was true; however, not all people in the human race were treated in the same way. Distinguishing race from ethnicity would serve to draw attention to the most vulnerable and marginalized groups whose experience was shaped by attitudes towards them as a distinct race. The establishment of the Living History Forum was a very positive development. She still wished to know, however, whether the Forum recognized slavery and the slave trade as crimes against humanity and whether the role of Sweden in the slave trade was acknowledged in the Forum's awareness-raising activities.

49. **Mr. Murillo Martínez** said that the Committee's aim in requesting disaggregated statistics was to determine whether certain groups were disproportionately affected by unemployment, for example, or more likely to be imprisoned, which, in turn, would enable it to assess the effectiveness of the policies the State party had put in place to combat racism and racial discrimination. Noting that hate speech was clearly an issue of concern in the State party and that minority groups were being used as scapegoats in the political discourse leading up to the 2018 elections, he asked what measures were being taken to address that phenomenon. He had been interested to hear about the provisions implemented to regulate private companies with regard to racial discrimination and wondered what steps were being taken to involve private sector actors in efforts to combat racial discrimination and promote diversity. Lastly, he would like to invite the Government to incorporate activities related to the International Decade on People of African Descent into its international cooperation activities and to support the draft declaration on the promotion and full respect of human rights of people of African descent.

50. **Mr. Cali Tzay** said that he would like to know what measures the State party planned to implement to ensure that the rights of the Sami people were upheld by its courts, particularly with regard to the burden of proof and legal aid. In his view, the mandate of the truth commission should incorporate the element of reconciliation. The outcomes of its work could be used as a tool to combat discriminatory stereotyping of the Sami people. He agreed that the right to free, prior and informed consent did not confer a right to veto. As the Special Rapporteur on the rights of indigenous peoples had pointed out in his report to the Human Rights Council at its twenty-first session (A/HRC/21/47), consultation and consent constituted a special standard that safeguarded and functioned as a means for the exercise of indigenous peoples' substantive rights.

51. **Mr. Albuquerque e Silva** said that, although he respected the State party's arguments regarding the limits on the use of special measures to promote racial inclusion and eliminate racial discrimination, he did not believe that they adequately responded to the question of how the Government intended to comply with the obligations arising from the Convention in relation to the matter. The Government was to be commended for having acted upon a vast number of the Committee's previous recommendations. However, much remained to be done with regard to the implementation of special measures in favour of

groups facing discrimination. Proclaiming the principles of non-discrimination and equality in constitutions and legislation was not sufficient to guarantee equity and equality in societies. He invited the Government to engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights to identify concrete opportunities for cooperation aimed at broadening understanding in the State party about the nature of special measures.

52. **Ms. Mohamed** asked whether the Fundamental Law on Freedom of Expression and the Freedom of the Press Act were two entirely separate laws or whether the former complemented the latter. She would also like to know whether Muslims were permitted to worship openly and publicly. In addition, she wondered whether measures had been taken to prevent hate speech against Muslims, particularly in schools, and whether sanctions were in place to penalize such hate speech.

53. **Ms. McDougall** said that there was much she found disappointing with regard to the Government's current capacity to capture data to be used for policy development and evaluation. She would be interested in hearing more about the active measures being taken. She wished to point out, however, that those measures should not be seen as a substitute for special measures. She hoped that the Government would provide the statistics she had requested on the representation of ethnic minorities in the police, the judiciary, the parliament and local government.

54. **Ms. Dah** said that the police preference for negotiating with rather than sanctioning extremist organizations was not in line with article 4 (b) of the Convention. She wondered what steps the State party was taking to prevent such organizations from using social media to communicate and organize demonstrations. She would also like to know whether the Government intended to continue increasing the budget for the police.

55. **Mr. Avtonomov** said that he would like to see further information in the State party's next periodic report regarding the treatment of the Sami and Roma communities and other disadvantaged groups. He would also like to know whether the State party planned to ratify the ILO Domestic Workers Convention, 2011 (No.189).

56. **Mr. Kut**, thanking the delegation for an open and frank dialogue, said that it was obvious that there was strong political will to combat racial discrimination in Sweden. The Committee had high expectations of the State party because it believed that even more could be done to improve the country's legislative and policy framework. Noting that racist political discourse tended to increase in the period preceding an election, he stressed that it was important to remember that no one should be above the law, even the leaders of political parties.

57. **Mr. Olsson Fridh** (Sweden) said that the delegation had endeavoured to provide full answers to all the Committee's questions. He appreciated the Committee's high expectations of Sweden and wished to assure Committee members that his Government was fully committed to protecting and promoting human rights. He recognized that many of the concerns raised by the Committee had been raised before and looked forward to receiving the Committee's recommendations for further enhancement of the country's policies and legislation.

The meeting rose at 1 p.m.